

SECRET

Production Unit 70-114
SB/S/PT
26 May 1970

MEMORANDUM FOR: SB/NSP

SUBJECT : Retirement Benefits
Aleks KURGVEL (T)


1. Mr. Aleks Kurgvel of this Unit believes that the attached joint U.S.-Estonian agreement and/or other agreements between the two countries which are still in force will provide the basis for retirement benefits for him.

2. In the case of the attached agreement, Mr. Kurgvel believes that Article VI is applicable. His initial association with the Agency in 1951 was the result of a personal directive by the Estonian Chief of State to Mr. Kurgvel, as an Estonian officer, to do so. He was told that he would be serving with U. S. military intelligence. He did not know that he actually was associated with CIA until two or three years later.

3. Mr. Kurgvel is 65 years of age and would retire immediately if an adequate pension were available. At present, his Social Security and Civil Service retirement benefits would total approximately \$270.00 per month. Consequently, as a result of financial necessity, he decided to accept an offer from CI/R and A at a reduced salary (GS-12/1 instead of his present GS-12/4) in order to continue working. He is hoping that the Agency will devise and approve, in the near future, a special retirement plan for personnel in his category who were not covered by Civil Service during the bulk of their Agency employment.

4. Mr. Kurgvel believes that if a retirement pension were granted under the provisions of a U.S.-Estonian agreement it would not mean that an expensive precedent would be set. He is the only case to which it would apply.

5. It is requested that the possibilities of securing such benefits be examined, possibly through the office of the Legal Counsel.


Chief, Production Unit

1 Attachment
Copy of U.S.-Estonian Agreement

SECRET

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHOD EXEMPTION 3828
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

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E. W. WALISMINISTEERIUM

EESTI LEPINGUD WÄLISRIIKIDEGA

V

1925—1926

TALLINNAS, 1926



Nr. 43. Riigikogu poolt 25. märtsil 1926. a. vastumõetud

Ceesti ja Ameerika-Ühisriikide vahelise sõprus-, kauba- ja konsulaarlepingu kinnitamise (seadus. *)

§ 1. Ceesti ja Ameerika-Ühisriikide vaheline sõprus-, kauba- ja konsulaarleping ning selle juurde kuuluv protokoll, mõlemad alla kirjutatud Washingtonis, 23. detsembril 1925. aastal, tunnustatakse kinnitatuks.

§ 2. Lepingu ning selle juurde kuuluva protokolliga ingliskeelne algtekst eestikeelse tõllega avaldatakse ühes käesoleva seadusega.

Algkirjale alla kirjutanud

Riigikogu esimees H. Rei.

Abisekretäär J. Piiskar.

Ceesti Vabariik ja Ameerika Ühisriigid, soovides tugevdada nende vahel õnnelikult püüvaid rahusidemeid sõpruslepete teel, millel ülesandeks edendada sõbralikku läbikäimist nende territooriumide vahel abiduse läbi, mis vastavalt neil asuvate rahvaste vaimlikele, kultuurilistele, majandus- ja kaubanduslikele püüetele, otsustasid sõlmida sõprus-, kauba- ning konsulaarlepingu ja nimetasid sel otstarbel oma täisvolinikud:

Ceesti Vabariigi Valitsus:

Ants Piip'i, Eraõrralise Saadiku ja Täiskoolilise Ministri, ja

Ameerika Ühisriikide President:

Frank B. Kellogg'i, Ameerika Ühisriikide Riigisekretäri, kes pärast oma nõutud korras leitud täisvolituste vastastikust ehitamist tõlku leppisid järgmistele eeskirjadele tohtia:

Artikkel I.

Kummagi kõrge lepinguosalise tobanikkudele lubatakse teise lepinguosalise territooriumitele sisse tulla, seal reisiida ja asuda; seal jüdametunnistuse ja usuvabadust kasutada; ilma mingi takistusega tegem olla igalugu teadusliku töö, usu, heategevuse, tööstuse ja kaubanduse alal; end

*) „R. L.“ nr. 81 — 1926 a.

The Republic of Estonia and the United States of America, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries.

The Government of the Republic of Estonia:

Antonius Piip, Envoy Extraordinary and Minister Plenipotentiary, and

The President of the United States of America:

Frank B. Kellogg, Secretary of State of the United States of America, Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

Article I.

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in scientific, religious, philanthropic, manufacturing and

pühendada igajugu kan. tööstistele tegevusele, mis ei ole seotud kohalike seadustega; anduda igajagu tööstustele, teenistustele ja füüsilisele, mis ei ole registreeritud ainuõigusele maa kodanikele; elamiseks, samuti elanduslikule, usulistele, heategevustele, tööstuslikule, kaubanduslikule ning matmisolustustele kohaleid ehitada, ehitada, üürida ning pidada ja kasutada otstarveteks maale rentida; kasutada ehitajaid oma valiku järel, ja üksteisega teha töid, mis ühenduses mõne eelnimetatud digu kasutamise või selle kasutamise, samadel tingimustel kui asu-kohta riigi kodanikud või mõne kolmanda riigi kodanikud, sellele tulevikus mõeldakse anda enamusõiguse digu, sellejuures neid alistasid kõigile kohalikele, kehtivad forras jõusseastunud seadustele ja määrustele.

Kummagi Rõrge Lepinguosalise kodanikud ei allu teise Lepinguosalise territooriumitel kõrge- male või muule sisetisele koormatusele ehk maksudele, kui need, mida nõutakse ning maksetakse selle oma kodanike poolt.

Kummagi Rõrge Lepinguosalise kodanikud kasutavad vabadust teise Lepinguosalise kohtute poole pöörduda, kohalikele seadustele vastavalt, nii diguõiguste kui oma diguõiguste kaitse otstarbeks, kõigis seadustes ettenähtud kohtuastmetes.

Kummagi Rõrge Lepinguosalise kodanikud peavad teise Lepinguosalise territooriumitel, niimõrdselt kui nad olistuvad selle oma kodanikele ettekirjutatud tingimustele, kõige püsivama kaitse ja julgeoleku osatisteks jaama oma isiku ning varanduse juhtes, ja nad kasutavad selles sisetise kaitset niisuguses ulatuses, nagu seda nõuab rahvusvaheline digu. Nende omandust ei pea neil võetama ilma seaduspärase menetlusega, ega ilma diguõiguste kaitse maksimise.

Ükski eeskiri käesolevas lepingus ei pea puudutama kummagi Lepinguosalise maksimaalse seadusi võlajamaalaste lihtsustamise alal, ega kummagi Rõrge Lepinguosalise digu niisuguseid seadusi maksima panna.

Artikkel II.

Kui kummagi Lepinguosalise kodanik teise Lepinguosalise territooriumitel saab vigastada või surma ja riigi-, osatist- või kommunaal- seadused niisuguste juhtumiste kohta ette näevad tsiviilvastutuse selle eest, kindlustades kannatanu omaistele või pärijatele või neile, kes digustatud temalt ülespidamist jaama, kaitset kohtulise nõude esitamise digu või rahalise tagumaku kujul, siis kasutavad niisugused omaist, pärijad või isikud, kes ülespidamise loomiseks digustatud, vaatamata

commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law: to engage in every trade, vocation and profession not reserved exclusively to nationals of the country; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

Article II.

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall, regardless of their

nende üldra kodanondsuse või selle peale, et nende elukoht on väljaspool territooriumi, kus äärmiselt juhtunud, samasugustel tingimustel neid sama digusi ja eesdigusi, mis kindlustatud või tulewikus kindlustatakse oma kodanikkudele.

Artikkel III.

Kuumaagi Nõrge Lepinguosalise kodanikkude eluorterid, laduhooned, wabrikud, kauplused ja muud äriannid kui ka kõik sinna juure kuuluvad frumid, mis asuvad teise Lepinguosalise territooriumitel ja mida tarvitatakse artiklil I. nimetatud otstarveteks, on puutumatud. Niisugustes ehitistes, laduhoonetes ja frumidel ei ole lubatud koduseid või muud läbiotsimisi toimetada või seal kontrollleerida eht läbi waadata raamatuid, pabereid või arweid, teisi kui samasugustel tingimustel ja kooskõlas eeskirjadega, mis seadustes, määrustes ja ametiistudes korraldustes ette nähtud oma kodanikkude suhtes.

Artikkel IV.

Kui mõne isiku surma puhul temalt ühe Nõrge Lepinguosalise territooriumi piiridesse järele jääb mõni maomand või muu kinnisvara või digused selle suhtes ja kui niisugune omanus või digused selle suhtes lähemad üle kas selle maa seaduse või testamentliku korralduse põhjal teise Nõrge Lepinguosalise kodanikule, watanamale selle peale, kas ta seal asub või mitte, ja kui see wiimane isik seaduste põhjal, mis maksivad maal, kus see omanus või hmid selle suhtes asuvad, ei ole selleks digustatud, siis peab jamafele kodanikule lubama kolmeaastaline tähtaeg, mille kestel ta peab selle müüma, misjagune tähtaeg tuleks kohealt pifendada juhtumisel, kui asjaolud seda nõuavad, ja teda digustama müügisaadist wabalt ja takistamata omale wõtta; teda tuleb wabastada igasugustest päranduse, kohtu ja administratsiooni maksudest või koormatustest, wälja arwatud need, mis samasugustel juhtumistel peale pannakse selle maa kodanikkudele, kust see tulu on saadud.

Kuumaagi Nõrge Lepinguosalise kodanikud on täielikult digustatud oma igasugu wallaswara üle, mis teise Lepinguosalise territooriumitel asub, käsutama testamenti, kinkimise või muul teel, ning nende pärijad, legaadi või fingi saajad, watanamale selle peale, selle kodanondsusesse nad kuuluvad ja kas neil selles riigis asukoht on või mitte, wõivad niisuguse wallaswara kas ise või oma esitajate läbi wastu wõtta, seda pibada või sellega oma heakskiitmisega järele talitada, alludes sellejuures ainult niisugustele maksudele ja koormatustele, mida samalaadistel juhtumistel on

alienage or reside outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

Article III.

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I. shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

Article IV.

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether residents or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or char-

kohustatud taluma jee. Xepinguofalife oma foda-
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Artikkel V.

Kummagi Rõrge Xepinguofalife fobanifud
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Artikkel VI.

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Artikkel VII.

Mofema Rõrge Xepinguofalife territooriumitel
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ges only as the nationals of the High Con-
tracting Party within whose territories such
property may be or belong shall be liable to
pay in like cases.

Article V.

The nationals of each of the High Con-
tracting Parties in the exercise of the right
of freedom of worship, within the territories
of the other, as hereinabove provided, may,
without annoyance or molestation of any
kind by reason of their religious belief or
otherwise, conduct services either within
their own houses or within any appropriate
buildings which they may be at liberty to
erect and maintain in convenient situations,
provided their teachings or practices are
not contrary to public order or public mo-
rals; and they may also be permitted to
bury their dead according to their religious
customs in suitable and convenient places
established and maintained for the purpose,
subject to the reasonable mortuary and sani-
tary laws and regulations of the place of
burial.

Article VI.

In the event of war between either High
Contracting Party and a third State, such
Party may draft for compulsory military
service nationals of the other having a per-
manent residence within its territories and
who have formally, according to its laws,
declared an intention to adopt its nationality
by naturalization, unless such individuals
depart from the territories of said belligerent
Party within sixty days after a declaration
of war.

Article VII.

Between the territories of the High
Contracting Parties there shall be freedom
of commerce and navigation. The nationals
of each of the High Contracting Parties
equally with those of the most favored na-
tion, shall have liberty freely to come with
their vessels and cargoes to all places, ports
and waters of every kind within the terri-
torial limits of the other which are or may
be open to foreign commerce and naviga-
tion. Nothing in this treaty shall be const-
ructed to restrict the right of either High
Contracting Party to impose, on such terms as
it may see fit, prohibitions or restrictions of
a sanitary character designed to protect
human, animal, or plant life, or regulations
for the enforcement of police or revenue
laws.